

U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

DETERMINATION OF NEPA ADEQUACY (DNA)

DOI-BLM-CO-N05-2015-0007-DNA

Identifying Information

Project Title: Grazing Permit Issuance to Spring Creek Cattle Ranch LLC

Legal Description: T 5N R 103W, Sec. 8, 9, 16, 17, 20 - 35
T 5N R 104W, Sec. 25, 26, 35, 36
T 5N R 102W, Sec. 19

Applicant: Brad Haslem Investments LLC

Allotment Number: 06304

Permit Number: 0500091

Issues and Concerns

No issues or concerns were identified. The grazing schedule was previously authorized to Richard Roach however the grazing preference was transferred from Mr. Roach to Brad Haslem Investments LLC.

Conformance with the Land Use Plan

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

Land Use Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP)

Date Approved: July 1997

Decision Language: "Maintain or enhance a healthy rangeland vegetative composition and species diversity, capable of supplying forage at a sustained yield to meet the demand for livestock grazing." (page 2-22).

"A minimum rest requirement (period of no livestock grazing) will be developed for each allotment as integrated activity plans are developed. This period of rest is the minimum time

required to restore plant vigor, improve watershed conditions, and improve rangeland conditions. Minimum rest periods will be incorporated into grazing systems during activity plan preparation (See Appendix C, Colorado Livestock Grazing Management Guidelines).” (page 2-23).

“An average of 50 percent of the annual above ground forage production will be reserved for maintenance of the plant's life cycle requirements, watershed protection, visual resource enhancement, and food and cover requirements of small game and nongame wildlife species. The remaining 50 percent of the forage base will be allocated among predominant grazing users.” (page 2-11).

Proposed Action

The Proposed Action is to issue Brad Haslem Investments LLC a grazing permit for the Basin Springs allotment for a period of 4 years expiring on February 28, 2019. The new grazing permit will be the same schedule and terms and conditions analyzed in Environmental Assessment (EA) number CO-110-2007-155-EA. The grazing schedule analyzed in the EA is shown in Table 1.

Table 1. Grazing Schedule for the Basin Springs Allotment (06304)

Allotment		Livestock		Dates		Total AUMs	%PL	BLM AUMs
Number	Name	Kind	Number	On	Off			
06304	Basin Springs	Cattle	500	5/1	11/1	3,041	35	1,064

Terms and Conditions

Standard Terms and Conditions

Livestock grazing permits and leases must specify terms and conditions pursuant to 43 CFR 4130.3, 4130.3-1, and 4130.3-2. The Standard Terms and Conditions that are applied to every permit in Colorado are listed in Appendix A.

Other Grazing Lease Terms and Conditions

Livestock grazing permits may also contain site-specific terms and conditions “determined by the authorized officer to be appropriate to achieve management and resource conditions objectives”, to ensure conformance with Colorado Public Land Health Standards and fundamentals of rangeland health, and to “assist in the orderly administration of the public rangelands” (43 CFR 4130.3, 4130.3-2).

1. Cultural resource inventories and evaluations will be conducted in areas where livestock concentrations coincide with high potential for vulnerable sites.
2. The Range program will work with the Cultural program to provide funding for monitoring of the NRHP eligible and potentially eligible sites on the allotment and, if necessary, provide funding for any site protection measures determined necessary, as a result of monitoring, to prevent further acute degradation of the sites.

3. Cultural resource inventory will be required for any range improvement projects determined necessary to manage the allotment including any new proposed mineral block locations.
4. The available residual cover for sage-grouse nests shall be considered in determining the duration of grazing for each pasture when there is no opportunity for substantial re-growth following grazing. It is recommended that a minimum of 4-7% herbaceous cover at a height of 5-6 inches be maintained in sage-grouse nesting habitat.
5. Fencing (or other methods) will be used to prevent further livestock trailing in riparian areas associated with Blue Mountain Spring 4 and Meadow Creek. Proper Functioning Condition assessments and permanent photo points will be used to monitor trends and ensure that effective techniques are employed to prevent degradation or loss of wet meadow habitats.
6. The applicant shall be required to collect and properly dispose of any solid wastes generated by the proposed actions. If any hazardous chemicals, fuels, oils, lubricants, and/or noxious fluids are spilled during field activities, they shall be cleaned up immediately and disposed of at an approved waste disposal facility.
7. A release of any chemical, oil, petroleum product, or sewage, etc, (regardless of quantity) must be reported to the Bureau of Land Management – WRFO Hazardous Materials Coordinator at (970) 878-3800. The Colorado Department of Public Health and Environment (CDPHE) should be notified, if applicable, through the 24-hour spill reporting line at 1 (877) 518-5608.
8. The permittee is requested to notify BLM of any historical or recent trash dumping sites on the allotment, so that BLM can identify, prioritize, and perform cleanup activities at these locations.
9. Range improvements should be instituted after making an assessment of current trailing and use patterns. Specifically water sources should be evaluated for current use and additional less impacting water sources should be considered.
10. PFC on all public lands should be re-assessed on Mud Springs and Meadow Creek in 2008 and the rest of public lands within the allotment should be evaluated for wetland and riparian potential. If riparian conditions on public lands exist and they are not PFC, specific management actions should occur to improve riparian and channel conditions.
11. If wetland/riparian conditions exist in Muddy Springs Creek, Meadow Creek or other areas a quantitative analysis method should be instituted to evaluate potential improvement of these areas due to management changes.
12. No ground disturbing activities shall be allowed to treat non-native species within the Bull Canyon WSA.

13. Negative impacts to paleontological resources occur when construction activities temporarily expose and then destroy buried fossil remains. Mitigation of such negative impacts generally consists of a comprehensive program including excavation monitoring, fossil salvage, preparation, curation, storage, and final report preparation. No range construction projects that have the potential to create disturbance will be permitted without paleontological clearance in advance. All animal supplements such as salt blocks and water tanks and feed should be placed away from outcrop formations.

Limits of Flexibility

The permittee will be provided flexibility during the grazing year from the submitted plan of operation for which does not require prior approval from the BLM. This flexibility will be limited to on or off dates and number of animals to adjust to changing climatic changes, forage variability, and operational needs. This flexibility will be limited to 10 days either side of the on or off dates provided total days of use do not exceed 10 days from the schedule approved in the annual plan of operations. The permittee will also be able to adjust number of animals by 10 percent (+/-) from the annual plan of operation provided the total AUMs used does not exceed the AUMs scheduled.

Flexibilities that require approval by the BLM are adjustments made beyond the above criteria. BLM-approved flexibilities and/or changes to this plan may be required due to such factors as forage influences from grazing, drought, fire, and/or water availability.

Monitoring and Evaluation

Three trend sites are located within the Basin Springs allotment and were established in 1980 and 1982. These plots consist of a permanent photo plot along with a 100 foot daubenmire transect to determine percent canopy cover of vegetation species. The study sites were established in key areas to monitor livestock grazing use and were re-read in the summer of 2007. The study sites were established under protocol developed in the *Grazing Allotment Monitoring Plan for the White River Resource Area*. The trend plots are scheduled to be read again in (2016, 2017), prior to the future renewal of the grazing permit for the allotment. Future readings of trend studies by BLM staff are partially dependent upon future workload capabilities and priorities.

Utilization studies were also conducted on the allotment to determine if utilization rates met the target of 40-60 percent use outlined in the 1981 grazing environmental impact statement (EIS) and 1997 White River Resource Area Management Plan (RMP/ROD). Utilization studies will continue to be conducted in the same cycle as listed above to make sure utilization objectives are being met. Once utilization of 40-60 percent has occurred on a pasture, livestock will be moved to the next pasture to make sure there is residual cover for wildlife and to stabilize soils in the pasture.

Review of Existing NEPA Documents

Name of Document: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: June 1996

Name of Document: Grazing Permit Renewal on the Basin Springs (06304) Allotment

Document Number: CO-110-2007-155-EA

Date Approved: September 26, 2008

NEPA Adequacy Criteria

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?

The proposed grazing schedule is the exact same as the schedule analyzed in CO-110-2007-155-EA. It is in the same grazing allotment and the impacts disclosed in the EA would not be different for one operator versus another.

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

The range of alternatives considered in the EA remains appropriate with respect to the new Proposed Action. The EA analyzed three alternatives: the Proposed Action (Alternative A), Continuation of Current Management (Alternative B), and a No Grazing Alternative (Alternative C). The proposed action analyzed grazing 500 cow/calf pairs for 184 days with a rotation between 6 pastures on the allotment. The No Action Alternative analyzed running 500 cow/calf pairs for 210 days and the No Grazing Alternative analyzed no livestock grazing on the Basin Springs grazing allotment.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

Yes, the existing analysis is still valid. Since the EA was written in 2008, the BLM and Colorado Parks and Wildlife have identified new habitat maps/terminology for greater sage-grouse habitat. The Basin Springs allotment is now classified as priority habitat. While this term is absent from the EA, the impacts analysis remains valid since the impacts analysis considered sage-grouse habitat requirements when evaluating the proposed grazing schedule and identified the Basin Springs allotment as important habitat for sage-grouse.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes, the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action are identical to those analyzed in CO-110-2007-155-EA.

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

Yes, public involvement for the existing NEPA document is adequate for the new Proposed Action. This project was posted on the WRFO's on-line National Environmental Policy Act (NEPA) register (ePlanning) on 11/16/14. No comments or inquiries have been received.

Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 11/04/2014. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	11/24/2014
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	12/26/2014
Matthew Dupire	Ecologist	Special Status Plant Species	11/18/2014
Matthew Dupire	Rangeland Management Specialist	Project Lead	12/01/2014
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	12/11/2014

Cultural Resources: A file search for cultural resources in the allotment (06304) was previously completed for the CO110-07-155-EA. The file search identified seven sites eligible or potentially eligible for listing on or nomination to the National Register of Historic Places (NRHP) within the allotment. In addition, for CO110-07-155-EA, three acres were surveyed to help identify cultural resources being impacted by grazing activities. The survey resulted in the identification of one new archaeological site, and one archaeological isolated occurrence. Furthermore, three archaeological sites were revisited and assessed for stock impacts during the cultural fieldwork for CO110-07-155-EA.

The proposed undertaking would not introduce any new impacts to cultural resources since livestock are already being grazed within the allotment. Additional cultural inventory of all identified livestock concentration areas is required and further monitoring and revisits of eligible archaeological sites to assess livestock impacts will be required before the end of the regular ten-year permit period when issued.

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Threatened and Endangered Wildlife Species: There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. The greater sage-grouse, a candidate for listing under the Endangered Species Act (ESA) and a BLM sensitive species occurs throughout the project area. The entire allotment is located in sage-grouse preliminary priority habitat (PPH). PPH is defined by BLM as those areas having the highest conservation value to maintaining sustainable greater sage-grouse populations. These areas would include breeding, late brood-rearing, and winter concentration areas. Impacts to sage-grouse associated with the proposed grazing schedule were adequately addressed in the parent document (CO-110-2007-155-EA). There are no additional wildlife-related issues or concerns associated with the Proposed Action.


Threatened and Endangered Plant Species: There are no special status plants that will be impacted from the proposed grazing transfer.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.



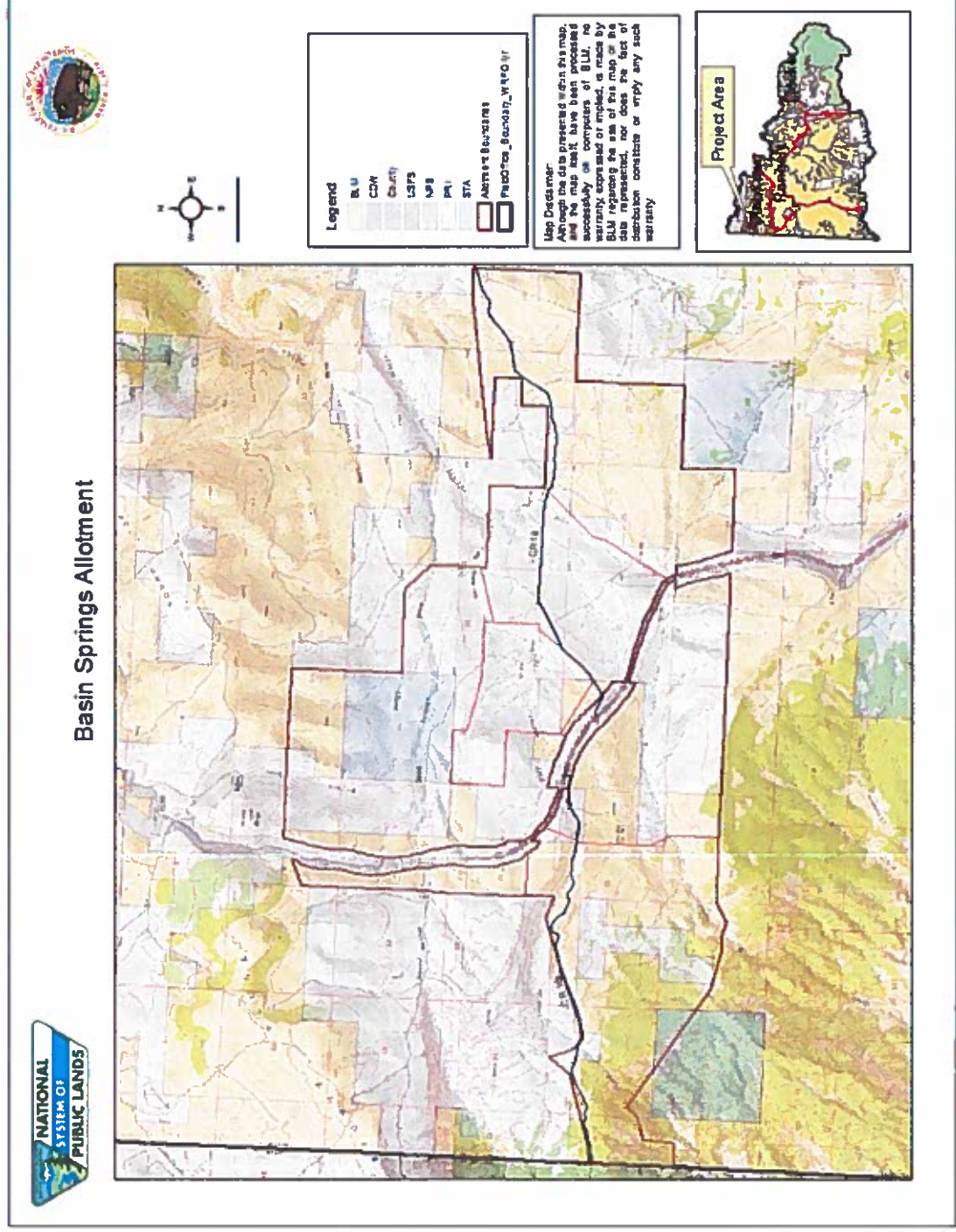
Field Manager



Date

Appendix A. Figures

Figure 1: Basin Springs Allotment



Appendix B. Standard Terms and Conditions

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
2. They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations.
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
 - c. A transfer of grazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the BLM within the allotment described.
 - e. Repeated willful unauthorized grazing use.
 - f. Loss of qualifications to hold a permit or lease.
3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits or leases when completed.
4. Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
8. Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
10. The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.
11. Grazing fee payments are due on the date specified on the billing notice and **MUST** be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
12. No Member of, Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory

Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

13. This grazing permit conveys no right, title or interest held by the United States in any lands or resources.
14. This grazing permit is subject to a) modification, suspension or cancellation as required by land plans and applicable law; b) annual review of terms and conditions as appropriate; and c) the Taylor Grazing Act, as amended, the Federal Land Policy and Management Act, as amended, the Public Rangelands Improvement Act, and the rules and regulations now or hereafter promulgated thereunder by the Secretary of the Interior.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

White River Field Office
220 East Market Street
Meeker, CO 81641



Certified Mail No. 7014 0150 0000 5650 4497
Return Receipt Requested

In Reply Refer To:
4100 (LLCON05000)

December 16, 2014

Brad Haslem Investments LLC
144 E 2000N
Vernal UT 84078

NOTICE OF PROPOSED DECISION

Dear Mr. Haslem:

The Bureau of Land Management (BLM) White River Field Office (WRFO) has reviewed your application for livestock grazing on the Basin Springs Allotment. Land health assessments, field observations, and other information was evaluated and reviewed for this allotment. Information provided by you through consultation was also considered in development of the proposed grazing permit.

BACKGROUND

In July 2014, the WRFO received your application for transfer of the Basin Springs Allotment after you purchased the base property. To comply with the National Environmental Policy Act, this office prepared a Determination of NEPA Adequacy (DNA) worksheet for the issuance of a new grazing permit which reviewed previous analysis in CO-110-2007-155-EA. I determined that this proposal conforms to the land use plan and that the existing NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.

FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action was analyzed in CO-110-2007-155-EA and it was found to have no significant impacts, thus an EIS is not required.

PROPOSED DECISION

In conformance with 43 CFR 4160.1, my proposed decision is to implement the Proposed Action, as described in DOI-BLM-CO-N05-2015-0007-DNA for authorization of livestock grazing use on the Basin Springs Allotment for a period of 4 years expiring on February 28, 2019 as supported by 43 CFR 4110.2-3(f).

Grazing Schedule for the Basin Springs Allotment (06304)

Allotment		Livestock		Dates		Total AUMs	%PL	BLM AUMs
Number	Name	Kind	Number	On	Off			
06304	Basin Springs	Cattle	500	5/1	11/1	3,041	35	1,064

Standard Terms and Conditions

Livestock grazing permits and leases must specify terms and conditions pursuant to 43 CFR 4130.3, 4130.3-1, and 4130.3-2. The Standard Terms and Conditions that are applied to every permit in Colorado are as follows:

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
2. They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations.
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
 - c. A transfer of grazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the BLM within the allotment described.
 - e. Repeated willful unauthorized grazing use.
 - f. Loss of qualifications to hold a permit or lease.
3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits or leases when completed.
4. Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
8. Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.

9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
10. The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.
11. Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
12. No Member of, Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.
13. This grazing permit conveys no right, title or interest held by the United States in any lands or resources.
14. This grazing permit is subject to a) modification, suspension or cancellation as required by land plans and applicable law; b) annual review of terms and conditions as appropriate; and c) the Taylor Grazing Act, as amended, the Federal Land Policy and Management Act, as amended, the Public Rangelands Improvement Act, and the rules and regulations now or hereafter promulgated thereunder by the Secretary of the Interior.

Other Terms and Conditions

Livestock grazing permits may also contain site-specific terms and conditions “determined by the authorized officer to be appropriate to achieve management and resource conditions objectives”, to ensure conformance with Colorado Public Land Health Standards and fundamentals of rangeland health, and to “assist in the orderly administration of the public rangelands” (43 CFR 4130.3, 4130.3-2). The following terms and conditions will also be added to the permit:

1. Cultural resource inventories and evaluations will be conducted in areas where livestock concentrations coincide with high potential for vulnerable sites.
2. The Range program will work with the Cultural program to provide funding for monitoring of the NRHP eligible and potentially eligible sites on the allotment and, if necessary, provide funding for any site protection measures determined necessary, as a result of monitoring, to prevent further acute degradation of the sites.

3. Cultural resource inventory will be required for any range improvement projects determined necessary to manage the allotment including any new proposed mineral block locations.
4. The available residual cover for sage-grouse nests shall be considered in determining the duration of grazing for each pasture when there is no opportunity for substantial re-growth following grazing. It is recommended that a minimum of 4-7% herbaceous cover at a height of 5-6 inches be maintained in sage-grouse nesting habitat.
5. Fencing (or other methods) will be used to prevent further livestock trailing in riparian areas associated with Blue Mountain Spring 4 and Meadow Creek. Proper Functioning Condition assessments and permanent photo points will be used to monitor trends and ensure that effective techniques are employed to prevent degradation or loss of wet meadow habitats.
6. The applicant shall be required to collect and properly dispose of any solid wastes generated by the proposed actions. If any hazardous chemicals, fuels, oils, lubricants, and/or noxious fluids are spilled during field activities, they shall be cleaned up immediately and disposed of at an approved waste disposal facility.
7. A release of any chemical, oil, petroleum product, or sewage, etc, (regardless of quantity) must be reported to the Bureau of Land Management – WRFO Hazardous Materials Coordinator at (970) 878-3800. The Colorado Department of Public Health and Environment (CDPHE) should be notified, if applicable, through the 24-hour spill reporting line at 1 (877) 518-5608.
8. The permittee is requested to notify BLM of any historical or recent trash dumping sites on the allotment, so that BLM can identify, prioritize, and perform cleanup activities at these locations.
9. Range improvements should be instituted after making an assessment of current trailing and use patterns. Specifically water sources should be evaluated for current use and additional less impacting water sources should be considered.
10. PFC on all public lands should be re-assessed on Mud Springs and Meadow Creek in 2008 and the rest of public lands within the allotment should be evaluated for wetland and riparian potential. If riparian conditions on public lands exist and they are not PFC, specific management actions should occur to improve riparian and channel conditions.
11. If wetland/riparian conditions exist in Muddy Springs Creek, Meadow Creek or other areas a quantitative analysis method should be instituted to evaluate potential improvement of these areas due to management changes.

12. No ground disturbing activities shall be allowed to treat non-native species within the Bull Canyon WSA.
13. Negative impacts to paleontological resources occur when construction activities temporarily expose and then destroy buried fossil remains. Mitigation of such negative impacts generally consists of a comprehensive program including excavation monitoring, fossil salvage, preparation, curation, storage, and final report preparation. No range construction projects that have the potential to create disturbance will be permitted without paleontological clearance in advance. All animal supplements such as salt blocks and water tanks and feed should be placed away from outcrop formations.

Final Decision

In the absence of a protest, this proposed decision shall constitute my final decision without further notice in accordance with 43 CFR 4160.3(a). Should a timely protest be filed I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR 4160.3(b).

RATIONALE

As a qualified applicant who made application within the 90 day time frame outlined in 43 CFR 4110.2-3(b), and based on the Determination of NEPA Adequacy (DNA), which showed land health standards and rest requirements are being met and no resource concerns exist it is my proposed decision to offer this grazing permit. This permit is being issued for a term of four years, at which time a new EA to analyze grazing on the Basin Springs allotment will be completed. Grazing plans are scheduled to be analyzed every 10 years, and the previous analysis was completed in 2009, and is due to be re-analyzed in 2019.

AUTHORITY

This proposed decision is being issued to you as an affected party under authority of 43 CFR 4160.1, and as a qualified applicant under 43 CFR 4110.1.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee, or other interested public may protest this proposed decision within 15 days following its receipt in accordance with 43 CFR 4160.2. The protest may be submitted in person or in writing to the White River Field Office Manager, Bureau of Land Management, White River Field Office, 220 East Market Street, Meeker, Colorado 81641.

In the event that this proposed decision becomes the final decision without further notice, any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal for the purpose of a hearing before an administrative law judge in accordance with 43 CFR 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30 day time period. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other

common carrier, to the White River Field Office as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, 755 Parfet St., Suite 151, Lakewood, CO 80215. The BLM does not accept appeals by facsimile or email at this time.

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), the appellant shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at 755 Parfet St., Suite 151, Lakewood, CO 80215, in accordance with 43 CFR 4.470(a) and 4.471(b).

If you have any questions, contact either Range Specialist at 878-3839, or myself at 878-3800.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kent E. Walter".

Kent E. Walter
Field Manager